IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 6TH NOVEMBER 2007 / 15TH KARTHIKA 1929

WP(C).No. 32830 of 2007(G)

PETITIONER:

JAMES LUKOSE,
KUNNAPPILIL HOUSE, UDUMBANNOOR P.O.,
AMAYAPRA, THODUPUZHA.

BY ADV. SRI.MANSOOR.B.H.

RESPONDENTS:

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1. UDUMBANNOOR GRAMA PANCHAYATH,
REP. BY ITS SECRETARY, UDUMBANNOOR P.O.,
THODUPUZHA, PIN-685 595.

2. SECRETARY,
UDUMBANNOOR GRAMA PANCHAYATH, UDUMBANNOOR P.O.,
THODUPUZHA, PIN-685 595.

3. MEDICAL OFFICER,
PRIMARY HEALTH CENTRE, THATTAKUZHA,
THODUPUZHA P.O.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/11/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 32830 OF 2007

Dated this the 6th day of November, 2007

JUDGMENT

The petitioner, who was served with Ext.P5 notice by the 1st respondent Panchayat for stopping the conduct of his poultry farm on the ground that the poultry farm is being conducted without licence from the Panchayat and on the ground that such conduct is generating pollution to the area, has filed this Writ Petition seeking a writ of mandamus to command the 1st respondent Panchayat to take an early decision on petitioner's application for licence. There is a prayer for quashing Ext.P5 also.

It is noticed that the petitioner has statutory remedies on Ext.P5 and I relegate the petitioner to that remedy. As for the second prayer for disposal of Ext.P6 application which is said to be an application for licence should notice that it is not an application in statutory form, the petitioner is directed to file application in statutory form for licence. If any such application is received by the 2nd respondent within two weeks from today, the 2nd respondent will take up that application, enquire into the same in accordance with law and take a correct decision. Before taking decision the petitioner will be heard. The Panchayat should also hear at least one representative of the persons who are presently having

objections in the matter of conduct of the poultry farm by the petitioner. Considering the above directions, implementation of Ext.P5 shall be kept in abeyance for a period of two weeks from today.

PIUS C. KURIAKOSE, JUDGE

btt